

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

CMPMO No.188/2024
Date of Decision: 28th November, 2025.

Babita Devi	Versus	Petitioner
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Manoj Kumar		Respondent
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The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Petitioner: Mr. Vinod Thakur, Advocate.

For the Respondent: Mr. Umesh Kanwar, Advocate.

Bipin Chander Negi, Judge (oral).

By virtue of the present petition, filed under Section 24 of the Code of Civil Procedure, a transfer of case titled, Manoj Kumar Vs. Babita Devi, pending consideration before the learned Senior Civil Judge, Ghumarwin, District Bilaspur, HP, under Section 24 of the Specific Relief Act, is sought to be got transferred, subject to the convenience of the present petitioner-wife to the Court of learned Civil Judge, Junior Division, Anni, Session Division Kinnaur at Rampur Bushahr, HP.

2. Heard counsel for the parties and perused the pleadings.

3. The petitioner claims to be the wife of the respondent and states that the marriage inter se the parties were solemnized on 07.06.2019, a fact, which is disputed by the present respondent. It is in the aforesaid backdrop that suit



under Section 34 of the Specific Relief Act has been filed by the respondent before the Court of learned Senior Civil Judge, Ghumarwin, District Bilaspur, HP, wherein the respondent is seeking declaration to the effect that the petitioner is not the legally wedded wife of the respondent.

4. In the present petition filed, it has been contended that out of the aforesaid wedlock alleged by the present petitioner, a female child has also been born. The birth certificate in this respect has been placed on record, which is dated 06.03.2020. The petitioner/wife submits that presently she is living with her parents. She is not gainfully employed, a fact which can be ascertained from the affidavit filed along with the present petition, wherein her occupation has been shown as house wife. Her financial support is dependent upon her parents.

5. This Court cannot also lose sight of the fact that the petitioner would unnecessarily be made to spend huge sum of money on transportation, as she being defendant in the petition in the Court below initiated at the behest of the present respondent(Husband), would always be under an obligation to attend the Court at Ghumarwin, District Bilaspur, HP.

6. Other than the aforesaid, in **Civil Appeal No. 4894 of 2022** [arising out of SLP(C) No(s).16465 of 2021], titled as **N.C.V. Aishwarya versus A.S. Saravana Karthik Sha**, the Hon'ble Supreme Court has outlined the cardinal principles for considering prayer for transfer of proceedings, from one



Courtplace to another, in matrimonial matters in the following terms.

"7. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

8. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions."

7. In view of the aforesaid facts and attending circumstances of the case and in view of the law enunciated by the Apex Court, present petition is allowed. The case pending



before learned Senior Civil Judge, Ghumarwin, District Bilaspur, HP is ordered to be transferred to the Court of learned Civil Judge, Junior Division, Anni, Session Division Kinnaur at Rampur Bushahr, HP.

8. The parties are directed to appear before the learned trial Court on **19.12.2025**.

9. In view of above terms, present petition stands disposed of, so also, the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

28th November, 2025
(Gaurav Rawat)